

Appln. No.: 10/021,536  
Amendment Dated: March 19, 2007  
Reply to Office Action of: December 18, 2006

MTS-3283US

**Remarks/Arguments:**

Claims 1-43 are pending in the above-identified application. Claims 8-10, (11-21)/8, (23-27)/8, 28-30, 32, (33-34)/8, 37, 40 and 43 were indicated as being allowable over the prior art.

Claims 22 and 31 were objected to for being improper multiple dependent claims. A Preliminary Amendment was filed on October 30, 2001, amending claims 22 and 31 to be in proper form. A copy of the Preliminary Amendment is attached. Applicants note that the Preliminary Amendment did not remove the terms "any one of" from claim 31. Claim 31 is now amended to remove these terms.

Claims 1-7, (11-27)/(1/3), (33-34)/(1/3) and 35-36 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Park. The rejection to claim 1 is respectfully traversed.

Claim 1 recites,

...said record reproducing means **copies predetermined program data recorded at least in said temporary saving area to said long-term saving area** if said record reproducing means is instructed to record said program data for a long term when it is performing in said temporary saving area the time shift reproduction of program data that is being received...(Emphasis added).

With regard to claim 1, Park does not disclose or suggest copying predetermined program data recorded at least in said temporary saving area to said long-term saving area. Park includes a ring buffer recording area and a permanent recording area. Park does not, however, move data between the ring buffer recording area and the permanent recording area. The video stream in Park is moved between HDD 34 and RAM 32/Video Recovery Unit 50. (col. 6, lines 28-40). The video stream is not moved within HDD 34.

In contrast, the exemplary embodiment of Applicants' invention, the data recorded in the temporary saving area 501 is copied to the long-term saving area 502. That is, the data is moved between the saving area 501 and the long-term saving area. (Page 28, lines 8-16)

and Fig. 5). Thus, claim 1 is not subject to rejection under 35 U.S.C. § 102(e) in view of Park. Claims 2, 11-27 and 33 depend from claim 1. Accordingly, claims 2, 11-27 and 33 are not subject to rejection under 35 U.S.C. § 102(e) in view of Park.

Claims 3 and 35-36, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claims 3 and 35-36 are also allowable over the art of record for reasons similar to those set forth above with regard to claim 1. Claims 2, 11-27 and 34 depend from claim 3. Accordingly, claims 2, 11-27 and 34 are not subject to rejection under 35 U.S.C. § 102(e) in view of Park.

Claim 2 includes a patentable distinction beyond that of claims 1 and 3, namely,

... record reproducing means copies program data after temporarily recording said program data in said temporary saving area until the program of said program data that is being received ends...

Park does not disclose or suggest the timing of when the program data is copied as recited in claim 2. That is, Park does not disclose or suggest that the program data is copied after temporarily recording said program data in said temporary saving area until the program of said program data that is being received ends. Rather, Park only discloses the composition of the type of recording media.

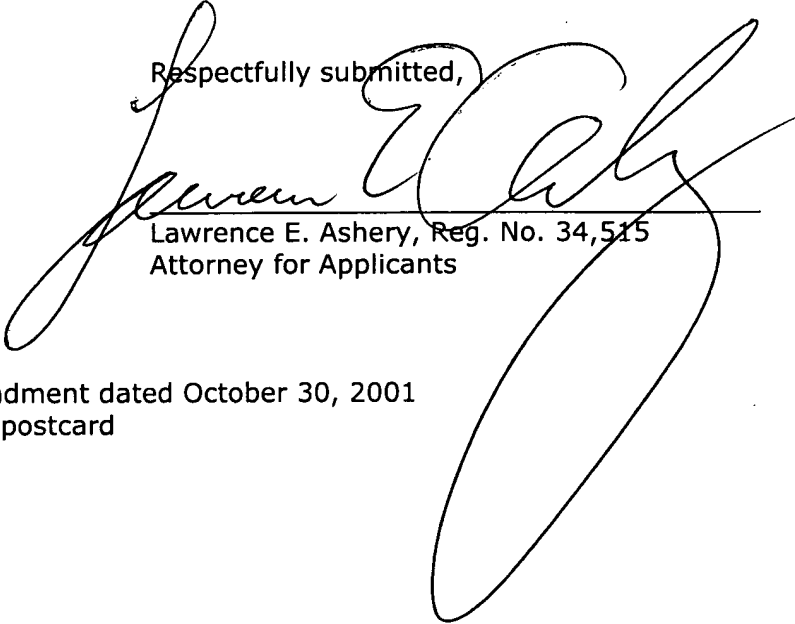
Claims 38 and 39 were rejected under 35 U.S.C. § 103 (a) as being unpatentable in view of Parka and Official Notice taken by the Examiner to embody inventions in software to be executed by a computer. Claims 38 and 39, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claims 38 and 39 are also allowable over the art of record for reasons similar to those set forth above with regard to claim 1.

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In view of the foregoing amendments and remarks, this Application is in condition for allowance which action is respectfully requested.

Respectfully submitted,

  
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DFD/dfd/bj/fp

Attachments: Preliminary Amendment dated October 30, 2001  
Copy of returned postcard

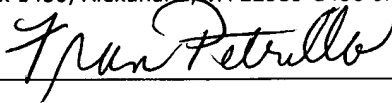
Dated: March 19, 2007

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